

STATE OF INDIANA }
 }SS: IN THE ALLEN SUPERIOR COURT
COUNTY OF ALLEN }
 } CAUSE NO.: _____

TIMOTHY A. CALHOUN }
 }
 Plaintiff, }
 }
-vs- }
 }
JOHNSON CONTROLS, INC., }
CINTAS CORPORATE SERVICES, INC. }
& JOHN DOE }
 }
 Defendants. }

COMPLAINT FOR DAMAGES AND JURY DEMAND

Comes now the Plaintiff, TIMOTHY A. CALHOUN, (hereinafter "Timothy"), by counsel, Robert J. Boughter and Kenneth J. Sinak of **BOUGHTER SINAK, LLC** and for his cause of action against the Defendants, JOHNSON CONTROLS, INC., CINTAS CORPORATE SERVICES, INC. & JOHN DOE, (hereinafter as "Defendants") alleges and states as follows:

GENERAL NEGLIGENCE

1. At all relevant times herein, Timothy was a resident of Huntington, Indiana, County of Huntington.

2. On or before April 3, 2018, the Defendant, Johnson Controls, Inc. was a Foreign For-Profit Corporation with its principal place of business located at 5757 North Green Bay Avenue, Milwaukee, WI 53209. Upon information and belief, the Defendant, Johnson Controls, Inc., was in the business of producing automotive parts such as batters as well as electronics and HVAC equipment for buildings.

3. On or before April 3, 2018, the Defendant, Cintas Corporate Services, Inc. was a Foreign For-Profit Corporation with its principal place of business located at 6800 Cintas Boulevard, Cincinnati, OH 45202. Upon information and belief, Cintas is in the business of supplying uniforms, corporate apparel, along with commercial and industrial grade janitorial supplies such as chemicals, mops, towels, paper products, and soaps.

4. At all relevant times herein, Timothy was working within the course and scope of his employment as a truck driver with Ruan Transport Management System located at 4141 Limestone Drive, Fort Wayne, IN 46809

5. On April 3, 2018, Timothy was walking into the Johnson Controls building located at 8710 Baer Road, Fort Wayne, IN 46809, County of Allen. Ruan Transport leases an office in the Johnson Control facility and Timothy was going to get his routes for the workday. As Timothy was walking into the building, an overhead door was released by John Doe causing the same to forcefully strike Timothy in the head.

6. Upon information and belief, John Doe was working for Defendant Cintas Corporate Services, Inc. and was making a delivery at the Johnson Controls facility when he released the overhead door. John Doe's conduct is imputed to his employer, Cintas Corporate Services, Inc., under the theory of *respondeat superior*/vicarious liability. Further, Cintas Corporate Services, Inc. is independently liable to Timothy based on its own negligence in failing to properly train and supervise its employee, the latter of whom negligently caused the door to strike Timothy.

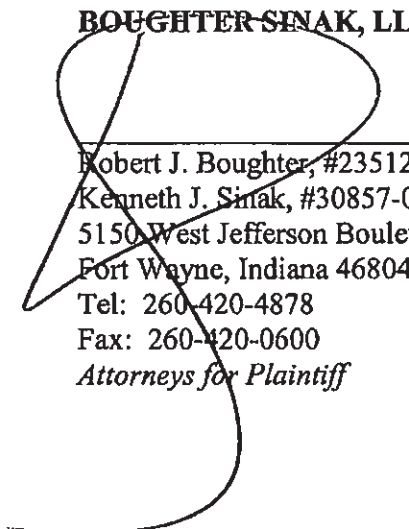
7. At the time of the subject incident, Timothy was working in a safe and prudent manner and bears no responsibility for the subject incident and his resulting injuries.

8. As a direct and proximate result of the negligent acts and omissions of the Defendants Johnson Controls, Inc., Cintas Corporate Services, Inc., and John Doe, Timothy suffered severe and permanent personal injuries; incurred and will incur hospital, diagnostic, therapeutic, pharmaceutical, and other medical expenses; suffered and will continue to suffer physical pain, mental suffering, loss of enjoyment of life, lost wages, loss of future earning capacity and other injuries and damages of a personal and pecuniary nature.

WHEREFORE, TIMOTHY A. CALHOUN, by counsel, Robert J. Boughter and Kenneth J. Sinak of **BOUGHTER SINAK, LLC** prays for judgment against the Defendants, JOHNSON CONTROLS, INC., CINTAS CORPORATE SERVICES, INC. & JOHN DOE, in an amount sufficient to compensate him for his injuries and damages, for the costs of this action, and for all other just and proper relief in the premises.

Respectfully submitted,

BOUGHTER SINAK, LLC



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Attorneys for Plaintiff

JURY DEMAND

Comes now the Plaintiff, by counsel, Robert J. Boughter and Kenneth J. Sinak of **BOUGHTER SINAK, LLC** and demands trial by jury against all Defendants on all issues set forth in this cause of action.

Respectfully submitted,

BOUGHTER SINAK, LLC

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